

REMARKS

The Applicants thank the Examiner for the consideration given the present application. Claim 2 was previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 1 and 3-10 are pending. A non-narrowing amendment has been made to independent claim 1. All other claims remain as previously presented. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Request for Reconsideration / Reasons for Entry of Amendments

First of all, the Applicants respectfully submit that the rejection of independent claim 1 (and the claims depending therefrom) as previously presented are in condition for allowance, and that the combinations of references that have been repeated in the latest Office Action to reject these claims are not proper and should be withdrawn. (See arguments below.)

Independent claim 1 as previously presented recites:

“at least one milk meter that measures at least one value of a parameter” ... and

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”.

It should be apparent to the Examiner that if “at least one milk meter that measure at least one parameter” ...”which has been determined to be in need of calibration”, and

a “correction function” has been calculated “for at least one milk meter”,
that such a milk meter must be making measurements in error.

The only amendments to the claims made by way of this Reply, is a non-narrowing amendment made to independent claim 1, merely to clarify independent claim 1 for the benefit of the Examiner who appears not to fully appreciate the invention set forth in claim 1.

As such, claim 1 now recites “comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined *to be in a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value”. (*Emphasis Added*)

Dependent claims 3-10 remain as previously presented.

Therefore, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the pending claims automatically place the application in condition for allowance.

Further, since the amendment to independent claim 1 has NOT further limited the scope of the claim, all of the subject matter now set forth in each of the pending claims has been fully considered and examined by the Examiner.

Therefore, the pending claims DO NOT RAISE ANY NEW ISSUES that would warrant or require the Examiner to perform an additional search of the related art.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Applicants have just now reviewed this Final Office Action.

Examiner Interview

If, during further examination of the present application, any further discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Information Disclosure Citation

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statement filed on June 16, 2008.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 4, and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Van den Berg EP 0713641 in view of Moskvin (U.S. 5,161,483); and

Claims 1 and 5-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wendl et al., "A Method For Continuous Automatic Monitoring Of Accuracy Of Milk Recording Equipment", in view of Moskvin (U.S. 5,161,483).

These rejections are respectfully traversed.

Amendments to Independent Claim 1

While not conceding the appropriateness of the Examiner's rejection, and merely to advance the prosecution of the present invention, a non-narrowing amendment made to independent claim 1.

As such, independent claim 1 now recites a combination of elements directed to a method for calibrating at least one milk meter in a milking system, including *inter alia*

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined *to be in a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value”. (*Emphasis Added*)

Support for the novel features above can be found, for example, on

Page 2, lines 12, and page lines 19 to page 3, line 2, which recites “Another advantage is that it is possible to detect and correct a systematic error in measurement that does worsen at the same time on all milk meters. Still another advantage is that a manual calibration of a milk meter, which takes time and decreases the through-put in the milking system, is not necessary. The calibration is instead performed by adding a correction function to the output of the milk meter, which is in need of calibration, and is done fast and does not affect the through-put of the milking system.”,

Page 8, lines 12-17 which recites “It is essential that the system comprises means to calculate an expected milking performance value at a given time for each animal in the

system according to figure 1, 3 and 4, and for each teat in the system according to figure 2, if the system should be able to monitor and individually recalibrate a milk meter that has an error in measurement.”, and

Page 9, lines 4-12, which recites “A milk meter may be measuring a parameter value that corresponds to the amount of milk from a part of the udder, or the total amount of milk from the whole udder, depending on the type of automatic milking system, see figures 1 to 4. The values are stored in a memory or database, step 57, together with information regarding the milk meter used, the point of time and the identity of the animal. This information is needed to determine if a milk meter having an error in measurement.”

Regarding Van den Berg (EP 0173641) and Moskvina (U.S. 5,161,483)

In contrast to the present invention, as can be seen in the Abstract of EP 0713641, this document merely discloses a method of automatically milking animals, including comparing between the actual value of one or more sensors (23-26) for monitoring the milking process with an average value that is based on previous readings of the sensor(s). If one of the sensors (23-26) deviates to a certain extent, the sensor in question is indicated as not working properly. The automatic milking process is then stopped, so that the defect in the sensor can be repaired. EP 0713641 is silent about a milk meter.

In the rejection of claim 2 on page 3 of the Office Action dated February 14, 2008, the Examiner refers to Moskvina column 8, lines 12-16, which states

"The readings of the pulse counter 39i, which has registered the number of successive doses and the value of the standard quantity of milk, are used to determine from the available algorithms the coefficient of precorrection corresponding to the vacuum level of 0.53 kg(f)/cm², to be accounted for in determining the yield of the milk by the milking machine".

In the rejection of claim 1 in the latest Office Action, the Examiner refers to Moskin column 8, lines 60-63, which states:

"the coefficients K1, K2, K3, K4, and K5 of the final correction of individual doses of milk corresponding to the respective discrete values of vacuum in the milk receptacle 16."

Nowhere in the Moskvin document is there any hint or suggestion of

"comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined to be in need of calibration", as set forth in independent claim 1 as previously presented, or

"comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined *to be a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value", as et forth in independent claim 1 as amended herein.

Therefore, Moskvin cannot make up for the deficiencies of EP 0713641.

If the Examiner insists on his repeated interpretation that Moskvin makes up for the deficiency of EP 0713641, he is respectfully requested to provide evidence including a detailed explanation of how the Moskin disclosure of "calibrating a measuring device that

measures a quantity of milk” teaches or suggests “calculating a correction function for at least one of said milk meters which has been determined *to be a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value.”

For example, **specifically** where does Moskin suggest anything about “said milk meter which has been determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”?

At least for the reasons explained above, the Applicants respectfully submit that the combination of steps as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including EP 0713641 and Moskvín.

Regarding Wendl in view of Moskvín

On page 5 of the latest Office Action, the Examiner asserts that Wendl in view of Moskvín discloses a device with the limitations of independent claim 1.

However, as best understood by the Applicants, the Wendl document merely appears to address the matter of determining whether a milk meter is defective. Wendl does not however, relate to calibration of a milk meter. Thus, Wendl certainly does not teach calibration of meters that are found to be “defective” or to “cause errors”, and therefore to be “in need of calibration”. The presumption in relation to Wendl is that a defective milk meter would need replacing.

As discussed above, in the rejection of claim 2 on page 7 of the previous Office Action, the Examiner refers to Moskvin column 8, lines 12-16, which states

“The readings of the pulse counter 39i, which has registered the number of successive doses and the value of the standard quantity of milk, are used to determine from the available algorithms the coefficient of precorrection corresponding to the vacuum level of 0.53 kg(f)/cm², to be accounted for in determining the yield of the milk by the milking machine”.

In the rejection of claim 1 in the latest Office Action, the Examiner refers to Moskin column 8, lines 60-63, which states:

“the coefficients K1, K2, K3, K4, and K5 of the final correction of individual doses of milk corresponding to the respective discrete values of vacuum in the milk receptacle 16.”

Nowhere in the Moskvin document is there any hint or suggestion of

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined to be in need of calibration”, as set forth in independent claim 1 as previously presented, or

“comparing said reference value (RV) with a sum of all retrieved measured values and calculating a correction function for at least one of said milk meters which has been determined *to be a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value”, as et forth in independent claim 1 as amended herein.

Therefore, Moskvin cannot make up for the deficiencies of Wendl.

If the Examiner insists on his repeated interpretation that Moskvin makes up for the deficiency of Wendl, he is respectfully requested to provide evidence including a detailed explanation of how the Moskin disclosure of “calibrating a measuring device that measures a quantity of milk” teaches or suggests “calculating a correction function for at least one of said milk meters which has been determined *to be a condition to cause errors in measurement, and therefore* to be in need of a calibration by comparing an expected value of the milking performance with the measured value.”

For example, **specifically** where does Moskin suggest anything about “said milk meter which has been determined to be in need of a calibration by comparing an expected value of the milking performance with the measured value”?

At least for the reasons explained above, the Applicants respectfully submit that the combination of steps as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Wendl and Moskvin.

Therefore, independent claim 1 is in condition for allowance.

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

January 21, 2009

By


James M. Slattery
Reg. No. 28,380

for

#43,368

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT:ktp 